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ABSTRACT

This lesson presents the historical background of Abraham Lincoln's selection of Andrew Johnson as his running mate in the election of 1864. The lesson considers the climate in the U.S. Congress after President Lincoln's assassination. The details of the impeachment and trial of President Andrew Johnson are given. The lesson presents three questions for student discussion and writing, a longer activity for whole-class participation, two sources for further reading, and four web site links. (BT)

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Web Lesson

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The Impeachment of Andrew Johnson

Only one president in U.S. history has been impeached by the House of Representatives: Andrew Johnson in 1868. At his trial in the Senate, Johnson escaped conviction by a single vote.

In the election of 1864, Abraham Lincoln, a Republican, chose Senator Andrew Johnson, a Tennessee Democrat, as his vice-presidential running mate. Lincoln believed that Johnson, the only senator from a rebel state to remain loyal to the Union, would help persuade Democrats to vote Republican.

After Lincoln was assassinated, Andrew Johnson took the oath of office on April 15, 1865. Two profound questions faced the nation. First, under what conditions should the Southern rebel states be readmitted into the Union?

Second, what rights should the freedmen, or ex-slaves, have?

A little over a month after becoming president, Johnson began executing his plan for reconstructing the South. Johnson pardoned all rebels except Confederate leaders. He also restored all rebel property except for slaves. Finally, he authorized each rebel state to call a convention of white delegates to draw up a new constitution. Once completed, a new state government could then be formed, and the state could apply for readmission to the Union.

During the summer of 1865, the rebel states held their constitutional conventions, followed by elections to choose state and federal government representatives. None of the new state constitutions allowed the black freedmen to vote. President Johnson himself opposed the idea of ex-slaves voting. "It would breed a war of races," Johnson said.

When Congress finally met in early December, the Republicans, in control of both the House and Senate, expressed outrage. They saw the same men who had led the rebellion returning to power throughout the South. Worse still, the new Southern governments were passing "black codes," which made it difficult for freedmen to work in certain jobs, own land, or even quit a white employer.

Most troubling to Republicans in Congress was that President Johnson had, on his own authority, established a reconstruction plan for the South. Many Republicans believed this was the job of Congress and Congress alone.

In early February 1866, the Republican Congress passed the Freedmen's Bureau Bill. It called for the distribution of land to the freedmen, provided schools for their children, and set up military

courts in Southern states to protect freedmen's rights. But to the dismay of Republicans and the joy of most white Southerners, President Johnson vetoed the bill. He called it unconstitutional and too expensive. When Republicans failed to muster enough votes to override his veto, Johnson believed that he had won the battle over Reconstruction.

On Washington's birthday, a few days after he had vetoed the Freedmen's Bureau Bill, Johnson spoke to a crowd outside the White House. During the speech, he claimed that "new rebels" in the North were plotting to take over the government. He charged that some members of Congress were as traitorous as Jefferson Davis, the Confederate leader. "Give us the names!" a voice in the crowd shouted. Johnson named three Republican leaders of Congress.

Republicans in Congress reacted angrily. The opposition started to solidify against "King Andy," as some began to call the president.

In March 1866, Congress passed the Civil Rights Bill. It declared ex-slaves to be U.S. citizens and gave them the right to make contracts, sue, be witnesses in court, and own land. Again Johnson used his veto. He stated in his veto message that blacks were not qualified for citizenship and the proposed bill would "operate in favor of the colored and against the white race." The Republicans, abandoning all hope of working with the Democratic president, overrode his veto by a two-thirds majority in both the House and Senate. For the first time in American history, Congress overturned a presidential veto.

The Radicals

The Republicans had large majorities in both the House of Representatives and the Senate. But they did not agree on any single reconstruction plan for the South. Some Republicans supported Johnson's program. Others wanted to proceed slowly on both the readmission of rebel states and freedmen's rights.

Still another group wanted to treat the former Confederate states as "conquered provinces" and pass laws providing equal rights for the black man. The members of this group were called the Radical Republicans or just Radicals. The man who symbolized the Radical viewpoint was a 73-year-old member of the House of Representatives from Pennsylvania, Thaddeus "Old Thad" Stevens.

During the summer of 1865 when Johnson was implementing his reconstruction plan, Thaddeus Stevens formulated his own ideas. He believed that the rebel states had taken themselves out of the Union when they seceded; now they should be dealt with as U.S. territories. Furthermore, Stevens argued, since the large Southern landowners had brought on the Civil War, the U.S. government should confiscate their property and give it to the freedmen (40 acres for each adult male). According to Stevens, this would break the back of the old slave-holding class and prevent it from regaining political power in the South.

At first, Stevens and his Radical friends made up only a minority of the Republicans in Congress. Unable to get his reconstruction plans passed into law, Stevens worked to build a coalition of House members and senators to deal with all reconstruction matters.

On December 13, 1865, Congress created the Joint Committee on Reconstruction. It consisted of nine representatives and six senators, most of them Radicals hand-picked by Stevens. As the most influential member of his committee, "Old Thad" would have a powerful voice in determining Congressional action on reconstruction. President Johnson called the Joint Committee the "French Directory," a reference to the dictatorship by committee that emerged during the French Revolution.

The Radicals Take Over

Congress grew increasingly Radical after Johnson's veto of the Freedmen's Bureau and Civil Rights bills. In June 1866, it passed a constitutional amendment, which when ratified by three-fourths of the states would be the 14th amendment. This amendment declared that all persons born in the United States were automatically citizens. This, of course, included ex-slaves. In addition, the 14th Amendment prohibited states from depriving citizens of "equal protection of the laws." Although it did not include the right to vote, it went a long way toward establishing equal rights for freedmen.

President Johnson, who had no role to play in amending the Constitution, sent a message to Congress condemning this amendment. For good measure, he also vetoed a second Freedmen's Bureau Bill. This time, however, Congress overrode him on the same day as his veto.

During the summer of 1866, it became clear that the freedmen needed the federal government's protection. On July 30, a group of whites and blacks attempted to hold a Radical political convention in New Orleans. A mob of ex-Confederate soldiers attacked the convention members. The New Orleans police not only failed to protect them, but actually joined in the attack. Nearly 40 convention members, mostly black men, were killed. News reports of the "New Orleans massacre" shocked Northerners and proved to many that President Johnson's reconstruction program was too lenient.

After these events, Northern states supported the 14th Amendment, but no Southern state ratified it. It failed to receive the required three-fourths approval. This enraged Radicals in Congress, and most Northerners seemed ready for harsher action against the former Confederate states. "King Andy" found himself increasingly under attack by a hostile Congress and public.

Under Stevens' leadership, Congress passed a reconstruction law, described at the time as "written with a steel pen made out of a bayonet." The law abolished all Southern state governments set up under Johnson's program. In their place, Congress created five military districts, each commanded by an army officer. The army commanders were authorized to rule by martial law, using federal troops and military courts to maintain order. President Johnson vetoed the law, saying that it would create an "absolute despotism" over the South. But Congress voted to override his veto.

In a series of follow-up laws, Congress required each rebel state to hold a new constitutional convention made up of both white and black delegates. Any new constitutions coming out of these conventions had to include the right to vote for all black adult males. In addition, Congress directed the Southern states to ratify the 14th Amendment before they could apply for readmission to the Union. Johnson vetoed every one of the follow-up laws. No matter. Congress overrode all his vetoes.

Meanwhile, Congress began to pressure President Johnson himself. The Radicals, now with the support of most other Republicans, passed the Tenure of Office Act. This prohibited the president from firing any appointed government official, even his own cabinet members, without Senate approval.

Johnson viewed this act as violating the Constitution's separation of powers. The U.S. government is separated into three branches: the Congress, the Presidency, and the Judiciary. The writers of the Constitution adopted this separation of powers to prevent one person or one part of the government from becoming too strong and possibly dictatorial. Johnson vetoed the Tenure in Office Act as an unconstitutional invasion of his executive power. But Congress again overturned his veto.

Impeachment and Trial

Early in 1868, the government crisis came to a climax. President Johnson attempted to fire his Secretary of War, Edwin Stanton, without Senate approval. Stanton had been working with the Radicals to undermine Johnson's reconstruction policies. Firing Stanton violated the Tenure of Office Act. The Radicals blocked Johnson's attempt to test the constitutionality of this law in the Supreme Court.

On February 24, 1868, the House of Representatives voted to impeach President Johnson. Congress wanted Johnson impeached because he refused to cooperate or compromise over black rights and the reconstruction of Southern state governments. But under the Constitution, Congress had to charge him with "high crimes or misdemeanors." Most of the charges related to his violating the Tenure of Office Act by firing Stanton. The constitutionality of this law was questionable and had never been tested in the courts. It was a weak reason to remove a president.

Johnson's trial began in the Senate on March 30. Seven House members, including Thaddeus Stevens, served as the prosecutors of Johnson. Five able lawyers defended Johnson. The president himself never appeared in the Senate during his trial.

After the trial, which lasted over a month, the Senate failed by one vote to convict Johnson and remove him from the presidency. The doctrine of separation of powers prevailed. Congress had not taken over the government (President Pro Tem of the Senate Benjamin Wade, a Radical, would have become president if Johnson had been removed). On the other hand, military reconstruction still remained in the South. Moreover, Johnson had only about nine months left in his term, his hopes for being elected president in November all but gone. It was a victory for the presidency, but not for President Johnson.

For Discussion and Writing

1. Assume that Andrew Johnson and Thaddeus Stevens had run against each other in the presidential election of 1868. Whom would you have voted for in this election? Why?

2. Do you think the Radicals were right in attempting to remove Andrew Johnson from the presidency? Why or why not?

3. Explain the last sentence in the article: "It was a victory for the presidency but not for President Johnson."

For Further Reading

Brodie, Fawn M. Thaddeus Stevens: Scourge of the South. New York: W.W. Norton, 1959.

Castel, Albert. The Presidency of Andrew Johnson. Lawrence, Kan.: The Regents Press of Kansas, 1979.

Andrew Johnson Links

Andrew Johnson's Impeachment Ordeal
http://www.intellectualcapital.com/issues/98/0219/icsmart.asp
By Daniel Glover, associate editor of IntellectualCapital.com, an e-zine.

Andrew Johnson, Impeachment and President Clinton
http://www.nando.net/nt/special/loy0221.html
By Wesley Loy, a reporter for the News-Sentinel in Knoxville, Tenn.

Impeachment Trial of Andrew Johnson
http://odur.let.rug.nl/~usa/B/spchase/chase05.htm
From a biography of Samuel Chase, the chief justice who presided over Johnson's trial in the Senate.

Finding Precedent: The Impeachment of Andrew Johnson
http://www.impeach-andrewjohnson.com/
HarpWeek presents excerpts from the Harper's Weekly coverage of the 1868 Johnson impeachment.

ACTIVITY

Should There Be Additional Reasons for Impeaching a President?

Article II, Section 4, of the Constitution states: "The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors." Should there be additional reasons for impeaching and removing a president?

Meet in small groups. Each group should:

1. Make a list of possible additional reasons for impeaching and removing a president.

2. Decide which additional reasons (if any) you think should be added to Article II Section 4?

3. Prepare to report to the class, telling the additional reasons you considered, whether these reasons should be added to the Constitution, and why you decided as you did.